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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/586,110

07/14/2006

Horst Tillmann

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1739

27799

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04/01/2009

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EXAMINER

DELISLE, ROBERTA S

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

04/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/586,110	Applicant(s) TILLMANN, HORST	
	Examiner ROBERTA DELISLE	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-16, 18-19, 21, & 23-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/23/09 have been fully considered but they are not persuasive. **THIS IS A FINAL ACTION.**

2. **Claim Status:**

- | | | |
|----|------------------------|----------------------|
| a. | Claims 14, 21, & 23-26 | Currently Amended |
| b. | Claims 15-16 & 18-19 | Previously Presented |
| c. | Claim 27 | New |
| d. | Claims 17, 20, & 22 | Cancelled |

3. **Prior Art References:**

- | | | |
|----|---------|--------------|
| a. | Ford | US 3,247,893 |
| b. | Soss | US 2,227,849 |
| c. | Hewson | US 3,987,837 |
| d. | Thomson | US 1,178,555 |

Regarding Applicant's Arguments: Examiner respectfully disagrees

With respect to the arguments pertaining to independent claim 14, "...the first longitudinal rib having a third guiding surface extending substantially perpendicularly to the first guiding surface..." Examiner maintains that the rib on the upper supporting wall, shown in Illustration 14a below, has a guiding surface that is substantially perpendicular to the supporting wall.

Further, as pointed out by Applicant, Ford is silent to the configuration and purpose of the upper ridge. This being the case, Examiner is left open to use the

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broadest interpretation of the drawings. In this case, the small rib on the upper ridge of Ford meets the limitations of the claims. Also, it would be a matter of design choice to provide a larger or smaller surface area on the rib.

With respect to the “inner chamber”, Examiner maintains that Ford provides an inner chamber that accommodates a slide member. In this case the slide member is a cord within a chamber.

Regarding claim 23, arguments are moot due to a new ground of rejection.

Regarding the arguments for the dependent claims (15-16, 18-19, & 21-27); they are moot since all depend from independent claim 14 which has been overcome above.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14-16, 18-19 & 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ford (US 3,247,893).

Regarding Claim 14, Ford discloses: Reference figure 17, for example

(Currently Amended) A slide channel (**Abstract**) for housing a slide member of a door closer, the slide channel comprising:

a housing (**14**) having a length and a longitudinal slot extending over the entire length of the

housing (**figure 2**), the housing (**14**) comprising:

a support wall having a first guiding surface;

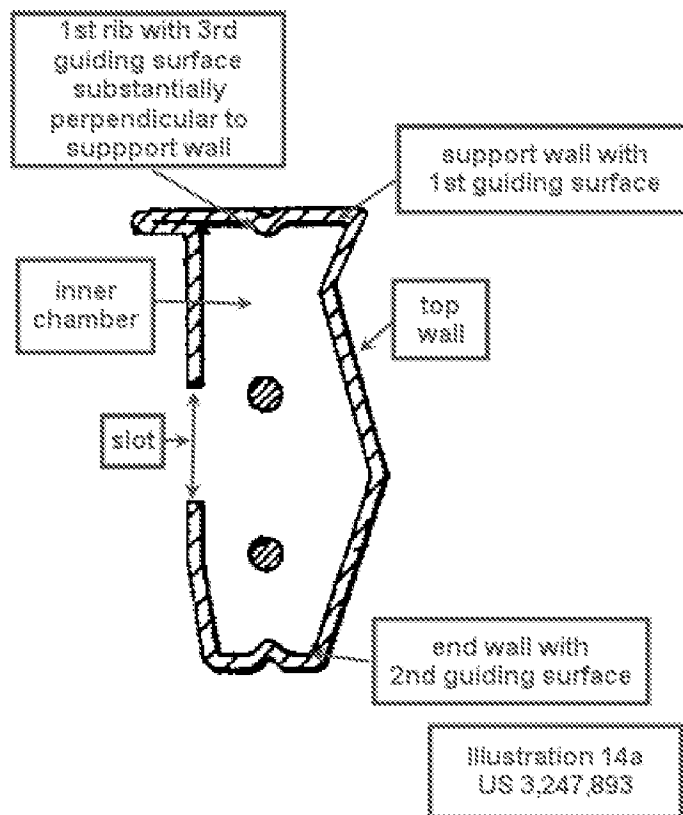
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an end wall disposed opposite the support wall and having a second guiding surface; and
a top wall disposed opposite the longitudinal slot and connecting the support wall and the end wall, and
a first longitudinal rib extending from the first guiding surface of the support wall toward the end
wall, the first longitudinal rib having a third guiding surface extending substantially
perpendicularly to the first guiding surface,

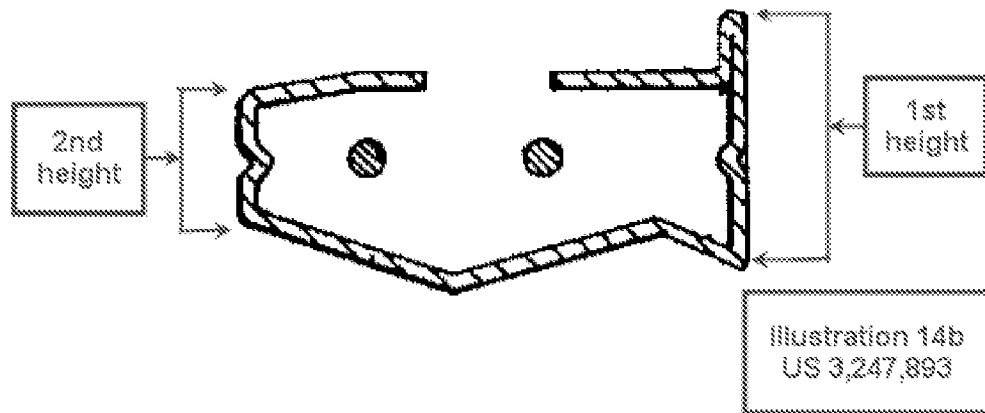
wherein the support wall, the end wall and the top wall define an inner chamber for accommodating the
slide member (15a),

wherein the first, second, and third guiding surfaces are configured to guide longitudinal
movement of the sliding member (15a) in the inner chamber, and

wherein the support wall has a first height, the end wall having a second height which is less than the first
height (See Illustrations 14a & 14b below)



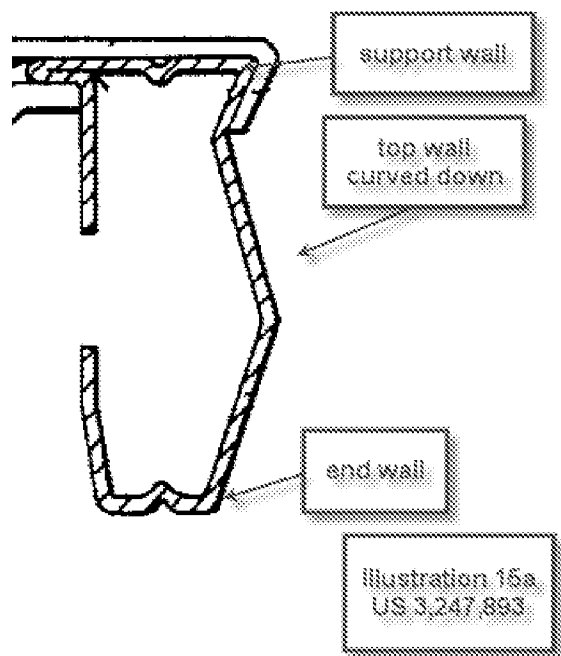
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Examiner notes that Ford discloses a rib on an upper support wall and considers it to be substantially perpendicular to the support wall.

Regarding Claim 15, Ford further discloses:

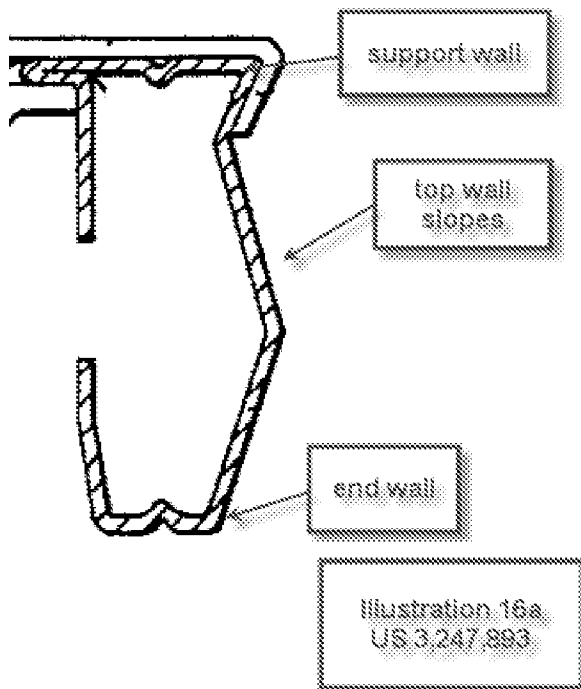
(Previously Presented) The slide channel of claim 14, wherein the top wall is downwardly curved from the support wall toward the end wall (See Illustration 15a below)



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Regarding Claim 16, Ford further discloses:

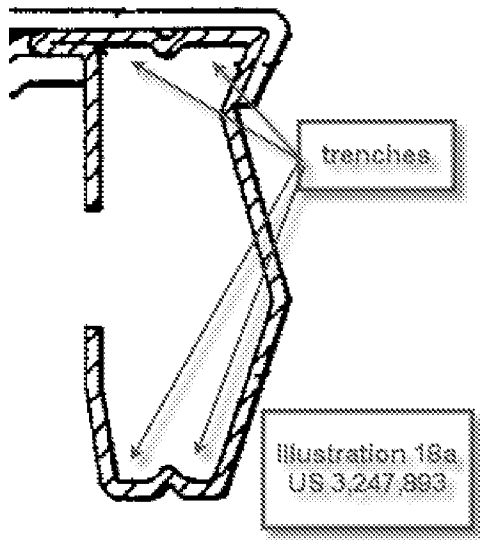
(Previously Presented) The slide channel of claim 14, wherein the top wall slopes from the support wall toward the end wall **(See Illustration 16a below)**



Regarding Claim 18, Ford further discloses:

(Previously Presented) The slide channel of claim 14, wherein the support wall has at least one trench **(See Illustration 18a below)**

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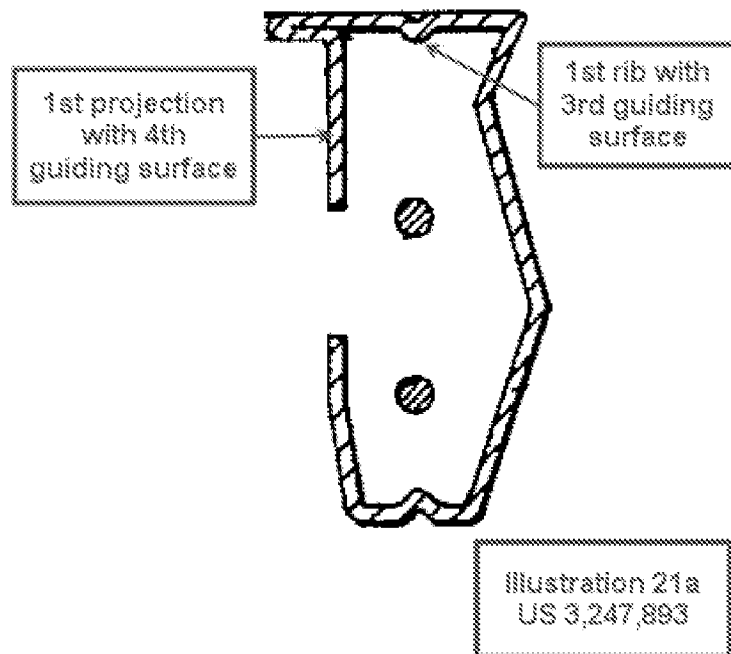
Regarding Claim 19, Ford further discloses:

(Previously Presented) The slide channel of claim 14, wherein the top wall has at least one trench (**See Illustration 18a in claim 18**)

Regarding Claim 21, Ford further discloses:

(Currently Amended) The slide channel of claim ~~[[20]]~~ **14**, wherein the support wall further comprises a first projection extending over the entire length of the housing (**figure 2**) ~~and projecting into the inner chamber~~, the first projection having a **fourth guiding** surface which forms a second guiding surface of the plurality of guiding surfaces, the second guiding surface being **is** opposite and parallel to the first **third** guiding surface **on the first longitudinally rib** (**See Illustration 21a below**)

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

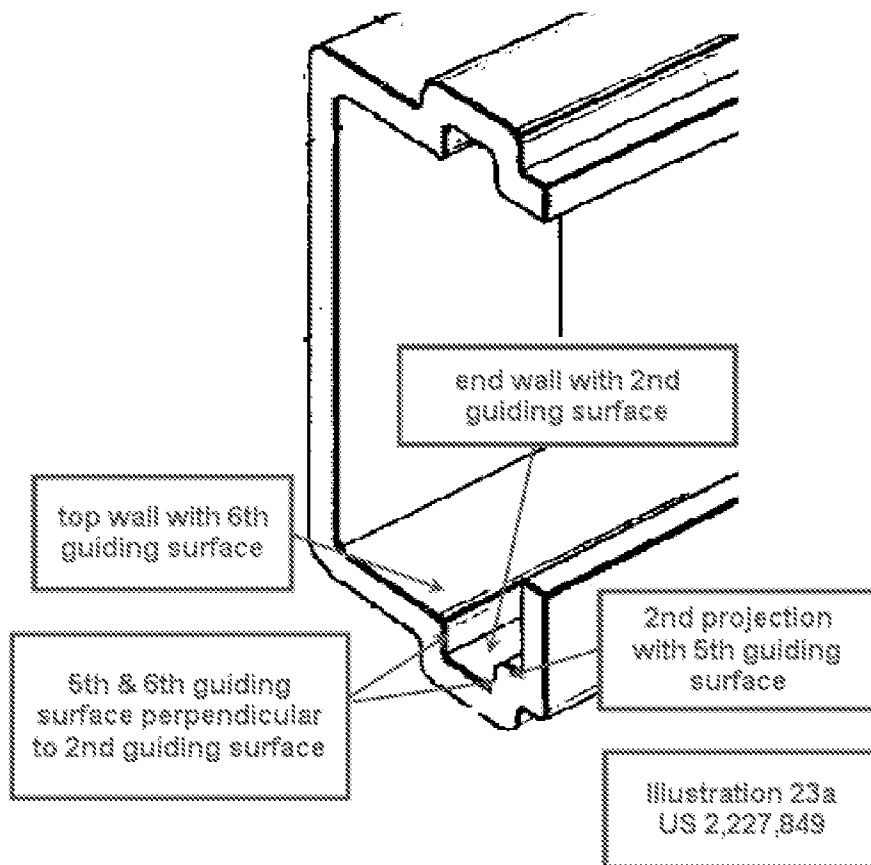
4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US 3,247,893) in view of Soss (US 2,227,849).

Regarding Claim 23, Ford discloses a slide channel but does not disclose a 5th & 6th guide surface perpendicular to a 2nd guide surface.

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Soss teaches:**Reference figures 1-6, for example:**

(Currently Amended) The slide channel of claim [[22]] 21, wherein the end wall comprises a second projection extending over the entire length of the housing (**figure 2**) and projecting into the inner chamber, the second projection having a surface which forms a fourth fifth guiding surface and of the plurality of guiding surfaces, wherein the top wall has a surface which forms a fifth sixth guiding surface of the plurality of guiding surface, and wherein the end wall further has a surface which forms a sixth guiding surface of the plurality of guiding surface, the fourth and fifth guiding surfaces facing each other and the fifth and sixth guiding surfaces being perpendicular to the six second guiding surface of the end wall. (See Illustration 23a below)



Examiner notes that Ford discloses a slide channel. Soss teaches a slide channel with perpendicular guiding surfaces. This configuration provides more stability to the slide member in the slide channel. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ford with a slide channel having perpendicular guiding surfaces as taught by Soss to provide more stability to the slide member in the slide channel.

5. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US 3,247,893) in view of Soss (US 2,227,849) as applied to claim 23 above, and further in view of Hewson (US 3,987,837)

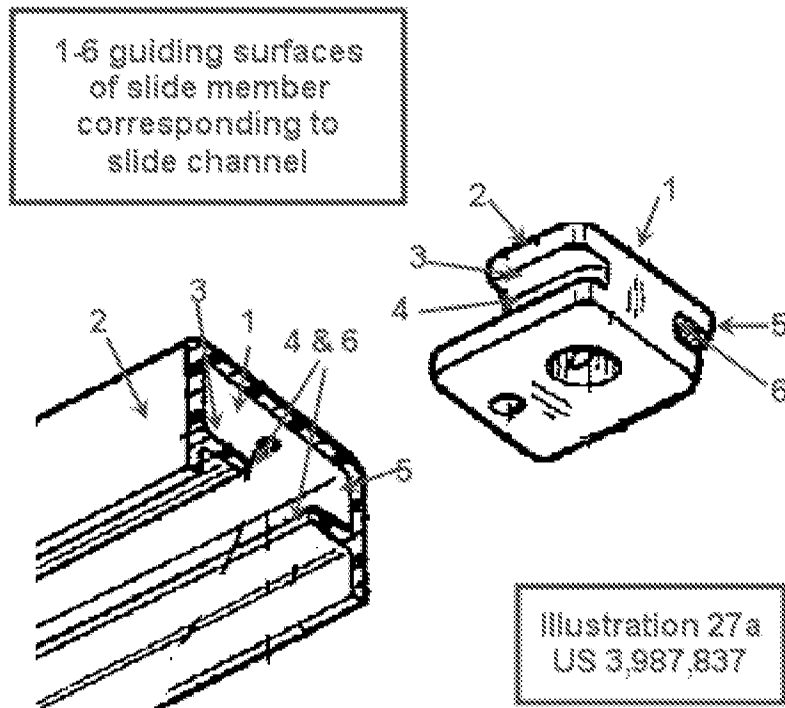
Regarding Claim 27, Ford as modified by Soss discloses a slide channel as described previously but does not disclose a slide member & slide channel with matching contours.

**Hewson teaches:
Reference figures 1-2, for example**

(New) A slide rail assembly comprising a slide channel of claim 23 and a slide member [*connectable to an actuating arm of a door closer*]*, the slide member **(62)** having a slide channel contour with a plurality of supporting surfaces corresponding to the first through sixth guiding surfaces of the slide channel **(38)**, the slide member **(62)** comprising a base wall **(64)** which matches a contour of the housing of the slide channel **(38)** **(See Illustration 27a below)**

Examiner's note*: the above statement in brackets is an example of intended use failing to limit the structure of the claimed invention. The prior art must only be capable of performing said functional recitations to be applicable and in the instant case, the prior art of Ford as modified by Soss and Hewson is indeed capable. Note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

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Examiner notes that Ford as modified by Soss discloses a slide channel. Hewson teaches a slide member & slide channel with matching contours. The use of matching contoured components provides a more secure connection between the components since more surface area is being contacted. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ford with a slide channel & slide member having matching contours as taught by Hewson to provide a secure connection between the components.

6. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US 3,247,893) in view of Thomson (US 1,178,555).

Regarding Claim 24, Ford discloses a slide channel as described previously but does not disclose a slide member connectable to an actuating arm or with matching contoured housing.

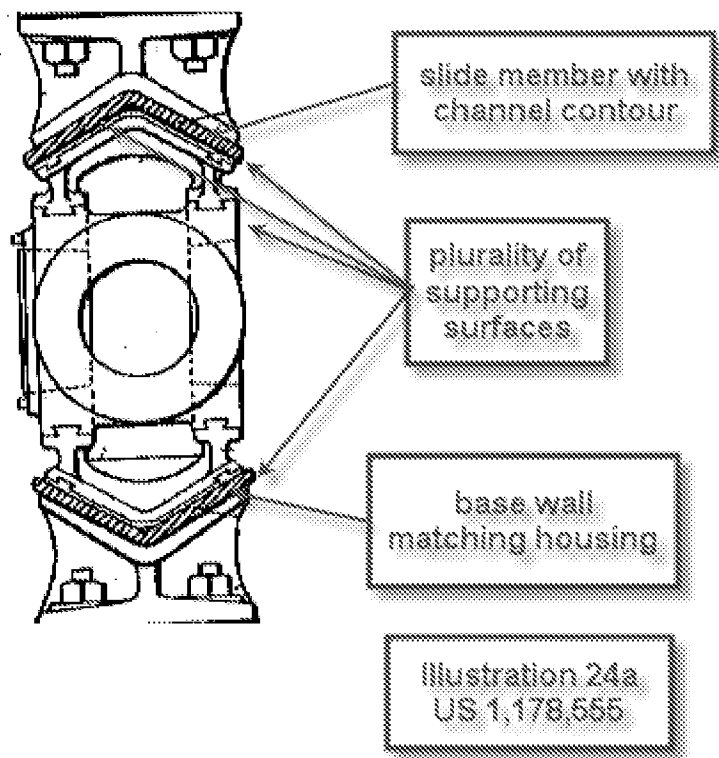
Thomson teaches:
Reference figures 1-16, for example

(Currently Amended) A slide member for the rail assembly comprising a slide channel of claim 14 and a slide member [connectable to an actuating arm of a door closer]*, the slide member having a slide channel contour with a plurality of supporting surfaces, the slide member (**figure 2**) comprising a

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base wall (11) which matches a contour of the housing of the slide channel (7a, 15a) (See Illustration 24a below)

Examiner's note*: the above statement in brackets is an example of intended use failing to limit the structure of the claimed invention. The prior art must only be capable of performing said functional recitations to be applicable and in the instant case, the prior art of Ford as modified by Soss and Hewson is indeed capable. Note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).



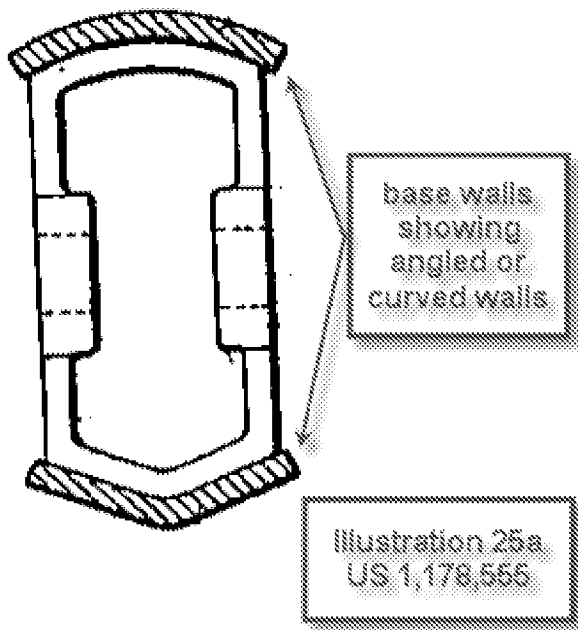
Examiner notes that Ford discloses a slide channel. Thomson teaches a slide member with contoured bases that match a contoured housing. The use of matching contoured components provides a more secure connection between the components since more surface area is being contacted. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ford with contoured mating surfaces as taught by Thomson to provide a secure connection between the components.

Regarding Claim 25, Ford as modified by Thomson discloses a slide channel but does not disclose a slide member with angled walls.

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Thomson teaches:

(Currently Amended) The slide member rail assembly of claim 24, wherein the base wall (11) comprises two partial walls which are disposed at an angle with each other (See Illustration 25a below)



Examiner notes that Ford discloses a slide channel. Thomson teaches a slide member with angled base walls. The angled base walls provide a more secure connection between the components since more surface area is being contacted. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ford with angled mating surfaces as taught by Thomson to provide a secure connection between the components.

Regarding Claim 26, Ford discloses as modified by Thomson discloses a slide channel but does not disclose slide member with curved walls.

Thomson teaches:

(Currently Amended) The slide member rail assembly of claim 24, wherein the base wall (11) has a curved shape (See Illustration 25a in claim 25)

Examiner notes that Ford discloses a slide channel. Thomson teaches a slide member with a curved base wall. The curved base wall provides a more secure connection between the components since more surface area is being contacted. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Ford with a curved mating surface as taught by Thomson to provide a secure connection between the components.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERTA DELISLE ("Bobbi") whose telephone number is (571) 270-3746. The examiner can normally be reached on M-F 8 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272- 6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/
Victor D. Batson
Supervisory Patent Examiner
Art Unit 3677

rsd